

### **REMARKS**

By this amendment, Applicant amends claims 9 and 20, and cancels claims 10-16 and 21-27 without prejudice or disclaimer. Claims 9, 17, 20, and 28 are now pending in this application.

In the Office Action<sup>1</sup>, the Examiner rejected claims 9-17 and 20-28 under 35 U.S.C. § 102(e) as being anticipated by Yasui et al. (U.S. Patent No. 6,320,580). The rejection regarding cancelled claims 10-16 and 21-27 is now moot. Applicant respectfully traverses the rejection of the pending claims.

To properly anticipate Applicants' claimed invention, the Examiner must demonstrate the presence of each and every element of the claim in issue, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131.

Independent claim 9, as amended, recites an image processing device comprising a processor for, among other things, "determining a first area of overlap of two or more of the plurality of gradation polygons, wherein the first area of overlap does not overlap the plurality of shadow models; determining a second area of overlap of two or more of the plurality of gradation polygons and at least one of the plurality of shadow

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

models; and displaying the second area of overlap in a darker color than the first area of overlap.”

The Office Action refers to Yasui, alleging that the reference teaches “a basic process in rendering images is determining which one of the overlapping polygons should and should not be displayed.” See Office Action at page 4, citing col. 13, lines 5-17 of Yasui. This portion of Yasui discloses:

Another basic process in the rendering process is to determine which one of overlapping polygons should be displayed, pixel by pixel. For this purpose, an algorithm for comparing the Z values of the individual polygons with one another to select the polygon with the minimum Z value (the foreground polygon). Alternatively, at the time of rendering translucent polygons, color data of, for example, a background polygon is blended with color data of a foreground polygon, which overlaps the background polygon, in accordance with the transparency-degree indicating a value of the foreground polygon. In this case, the Z values are compared with each other too.

Col. 13, lines 5-17 (emphasis added).

Accordingly, Yasui determines whether or not an overlapping polygon should be displayed. However, such a determination does not constitute at least “determining a first area of overlap of two or more of the plurality of gradation polygons, wherein the first area of overlap does not overlap the plurality of shadow models; determining a second area of overlap of two or more of the plurality of gradation polygons and at least one of the plurality of shadow models; and displaying the second area of overlap in a darker color than the first area of overlap,” as recited in independent claim 9.

For at least the above reasons, Yasui does not teach each and every element of independent claim 9. Accordingly, independent claim 9 is not anticipated by Yasui. Independent claim 20, although of a different scope, includes recitations similar to those

of independent claim 9 and is not anticipated for at least similar reasons. Therefore, the Examiner should withdraw the rejection of claims 9 and 20 under 35 U.S.C. § 102(e).

Independent claim 17 recites an image processing device including, among other things, “a gradation polygon modeling means for modeling a plurality of gradation polygons, each of the plurality of **gradation polygons** being modeled to **overlap with corresponding ones** of the plurality of **shadow models**, each of the plurality of **shadow models** being arranged **above the corresponding ones of the plurality of gradation polygons**, and each of the plurality of gradation polygons being set with a transparency of the corresponding ones of the plurality of shadow models” (emphases added).

Regarding this element, the Office Action refers to the rejection of claims 10 and 14. See Office Action at page 5. Regarding those claims, the Office Action alleges that Yasui “discloses processes of color changing and transparency parameters that are applied in a gradual manner” and that “a basic process in rendering images is determining which one of the overlapping polygons should and should not be displayed.” See Office Action at pages 3 and 4, and citing col. 13, lines 5-17 of Yasui. The Examiner contends that these portions teach the above element of independent claim 17. However, this is not correct.

As discussed above, Yasui determines whether an overlapping polygon should be displayed. However, the Office Action has not demonstrated that Yasui teaches modeling gradation polygons to overlap corresponding shadow models or that the shadow models are arranged above corresponding gradation polygons. That is, Yasui does not teach at least “a gradation polygon modeling means for modeling a plurality of

gradation polygons, each of the plurality of **gradation polygons** being modeled to **overlap with corresponding ones** of the plurality of **shadow models**, each of the plurality of **shadow models** being arranged **above the corresponding ones of the plurality of gradation polygons**, and each of the plurality of gradation polygons being set with a transparency of the corresponding ones of the plurality of shadow models," as recited in independent claim 17 (emphases added).

For at least the above reasons, Yasui does not teach each and every element of independent claim 9. Accordingly, independent claim 17 is not anticipated by Yasui. Independent claim 28, although of a different scope, includes recitations similar to those of independent claim 17 and is not anticipated for at least similar reasons. Therefore, the Examiner should withdraw the rejection of claims 17 and 28 under 35 U.S.C. § 102(e).

### **CONCLUSION**

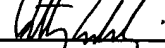
In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 13, 2008

By:   
\_\_\_\_\_  
Anthony J. Lombardi  
Reg. No. 53,232